

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 6107 of 2015

**CRIME NO. 805/2015 OF KALLAMBALAM POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/1ST ACCUSED:

**SOURAV, AGED 21 YEARS,
S/O.MURALI, 'MAKEERAM', KALLUVILA,
NEDUMPARAMBU, THIRUVANANTHAPURAM.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.6107 of 2015

Dated this the 8th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.805 of 2015 of Kallambalam registered for offences punishable under Sections 143, 147, 148, 149, 294(b), 341, 447, 323 and 326 of the Indian Penal Code.

3. Prosecution case, in short, is that on 07.06.2015 at about 3.00 p.m. the accused as members of an unlawful assembly armed with sticks, trespassed into the courtyard of the defacto complainant. He is the owner of the autorickshaw which was driven by the first accused. On account of some monitory dispute, the first accused attacked the defacto complainant with a stick causing injuries including fracture.

4. Heard both sides.

5. Other accused in the crime have been enlarged on regular bail invoking Section 439 of the Code of Criminal Procedure by this Court as per order in B.A.No.5499 of 2015. Earlier application under Section 438 of the Code of Criminal Procedure filed by the petitioner and others was dismissed by this Court as withdrawn on 03.08.2015 as per Annexure-A1

order. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner is not entitled to pre-arrest bail considering the nature of allegations. Therefore, he shall surrender before the investigating officer within one week from today and after questioning him, the investigating officer shall produce him before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production itself. If he does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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